



AGENDA ITEM NUMBER \_\_\_\_\_

# Bernalillo County Board of County Commissioners

Meeting Date: May 29, 2008

**Department:** Zoning, Building, Planning & Environmental Health **Staff Contact:** Brennon Williams, Zoning Administrator

**TITLE:** PUBLIC HEARING: Appeal of the County Planning Commission's recommendation for cancellation of a Special Use Permit for a Contractor's Yard (CO-80001/CSU-50032)

## COUNTY PLANNING COMMISSION RECOMMENDATION:

Cancellation of the Special Use permit, denial of the appeal.

## SUMMARY:

The Board of County Commissioners (BCC) previously deferred this matter from their January 24, 2008, public hearing to allow the appellant additional time to meet the specified conditions of approval for his Special Use Permit. However, since that time, no additional information has been presented to staff to demonstrate and/or document steps toward compliance.

On November 7, 2007, the County Planning Commission (CPC) voted unanimously (6 – 0) to recommend cancellation of an existing Special Use Permit for a Contractor's Yard (CSU-50032). The subject property is located at 2219 Isleta Blvd. SW & 1627 Patton Rd. SW. zoned C-1, and contains approximately .80 acres in area. The CPC decision was based on five Findings (Attachment 2).

The request for cancellation was the result of noncompliance with the established Conditions of Approval of the Special Use Permit. Correspondence from the Planning Department requesting that the property be brought into compliance was sent to the property owner three (3) separate times prior to the matter being scheduled in front of the CPC. Similarly, the Planning Commission continued the matter from their August 7, 2007, meeting to allow the owner additional time to undertake the necessary actions to prevent cancellation prior to their decision in November 2007.

The Comprehensive Zoning Ordinance of Bernalillo County authorizes cancellation of a Special Use Permit after determination of a continued violation, proper notification to the property owner, and holding of a public hearing. In the event a Special Use Permit is cancelled, all referenced to said Special Use Permit are removed from the official zone map by the County Planning Department, and the subject site reverts back to the uses and restrictions controlled by the underlying zoning designation.

## **ATTACHMENTS:**

1. Board of County Commissioners Notice of Deferral (January 24, 2008)
2. County Planning Commission Notice of Decision (November 9, 2007)
3. Appeal application (CO-80001/CSU-50032)
4. Correspondence from owner after CPC recommendation
5. Transcript from November 7, 2007, CPC meeting
6. County Planning Commission packet (November 7, 2007)

## **STAFF ANALYSIS SUMMARY:**

Zoning/Building/Planning/Environmental Health:  
Staff recommends approval of the cancellation.